



County of Onondaga  
**Department of Law**

John H. Mulroy Civic Center, 10th Floor  
421 Montgomery Street, Syracuse, New York 13202

Phone: 315.435.2170

Fax: 315.435.5729 Municipal/Litigation Unit • Fax: 315.435.2180 Family Court Unit

[www.ongov.net](http://www.ongov.net)

**J. Ryan McMahon, II**  
*County Executive*

**Robert A. Durr**  
*County Attorney*

February 15, 2019

Hon. David E. Peebles  
U.S. Magistrate Judge  
Federal Building & U.S. Courthouse  
P.O. Box 7345  
Syracuse, NY 13261

Re: Days, et. al. v. City of Syracuse, et. al.  
5:18-cv-01334 (LEK/DEP)

Dear Judge Peebles:

On behalf of all parties named in the above-referenced case, I am providing the following status report.

Plaintiffs:

Mr. Oudemool has informed counsel for Defendants that he will be commencing an Article 78 against the New York State Attorney General and Judge Miller next week and also plans to commence a Court of Claims action against the State of New York. He intends to depose the attorney in charge of the search warrant execution at the local Attorney General's office as well as all police officers involved with the matter, particularly the two officers who detained Mr. Days. Further, Mr. Oudemool has advised Defendants that in lieu of taking depositions of representatives of the Defendant police agencies, he will accept an affidavit from the Chief of Police and the Sheriff attesting to the respective agency's lack of involvement with respect to the search of his client's residence.

Mr. Oudemool expects to **complete depositions** by **May 1, 2019**, with the further stipulation that he may **join parties** and/or **amend the pleadings** on or before **June 3, 2019**.

Defendant County of Onondaga:

The Sheriff's Office assures me that they had no involvement whatsoever in the execution of the search warrant at Plaintiffs' residence, nor in the detention of Mr. Days. I am preparing an affidavit to that effect for the Sheriff's signature. Upon receiving the Sheriff's affidavit attesting to the Sheriff's Office lack of involvement, Mr. Oudemool has indicated that he will discontinue the action against the Onondaga County Sheriff's Office and the County of Onondaga.

Hon. David E. Peebles

February 15, 2019

Page 2

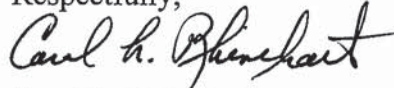
**Re: Days v. City of Syracuse, et. al.**

Defendant City of Syracuse:

Ms. Clarke is in the process of attempting to verify the Syracuse Police Department's involvement or lack of involvement in the execution of the search warrant at Plaintiffs' residence. In the event that the Syracuse Police had no involvement in the execution of the warrant or the detention of Mr. Days, Ms. Clarke will provide an affidavit to that effect and Mr. Oudemool will discontinue the action against the City of Syracuse.

This matter is scheduled for a telephone conference on April 4, 2019 at 3:00 p.m. Should the Court require anything further from the parties prior to that date, please advise.

Respectfully,



Carol L. Rhinehart

Deputy County Attorney

CLR/dk

cc: Dirk J. Oudemool, Esq.  
Erica T. Clarke, Esq.